

# Surviving Stalking

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Although case histories are drawn from actual cases, every effort has been made to disguise the identities of the individuals involved.

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## What is stalking?

### Legal definition

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‘Stalking’ may be a new word in its current context, but the behaviour itself has long been recognized in criminal justice circles. Indeed, it has been dealt with in various ways since at least the eighteenth century. Existing laws relied, however, on prosecuting stalking *related* crimes such as trespass, breaking and entering, criminal damage and threats to kill. By the end of the 1980s it was becoming increasingly clear that these laws were inadequate in deterring stalkers and protecting their victims.

Rather than modify existing laws to deal with this complex crime, legislators throughout many Western nations moved to specifically criminalize stalking. The impetus for developing the first stalking laws was the tragic murder in 1989 of American sitcom actress Rebecca Schaeffer (*My Sister Sam*) by the disordered fan and stalker Robert Bardo. A flood of stalking legislation has emerged over the past decade, beginning in California in 1991 and extending to the rest of the United States of America, Canada, Australia, the United Kingdom and New Zealand. Similar laws are now being considered or enacted in continental Europe and parts of Asia.

The framing of legislation has been confounded by the problem of defining a criminal activity that comprises a series of actions each of which, when taken individually, may constitute legitimate behaviour (e.g. sending flowers or waiting outside a person’s workplace). In creating a legal definition of stalking, legislators have broadly prohibited contacts and communications that occur on *two or more occasions* and which evoke fear in the target.

The legal definition of stalking or criminal harassment varies according to jurisdiction. Although there is no consensus, the behaviours covered by the

legislation are broadly similar from one jurisdiction to the next. It is wise to familiarize yourself with the stalking laws in your particular jurisdiction. In the US and Australia they can be obtained by contacting your state attorney general's office or, in the UK, the Lord Chancellor's office or website. The legislation is also available for perusal at university law libraries. The acts are mostly short 'plain English' documents unencumbered by the complexity and longwindedness that characterize older pieces of legislation. Whether these laws prove adequate in effectively preventing and punishing stalking remains to be seen, and much will depend on the willingness of the criminal justice system to view the offence seriously.

Critical elements of successful stalking laws include their capacity to provide immediate and effective protection for the victim and the appropriate combination of legal sanctions and treatment for the stalker, aimed at preventing a recurrence of the behaviour. Existing stalking laws, though not without their critics, have already proved a significant advance. Used properly, the legislation has spared victims from having to wait until the stalker actually attacks and injures them or damages their property before the police can intervene. Unfortunately some police officers remain ignorant of this important reform. *It is vital that victims know the stalking provisions in their jurisdiction and ensure that the police are also familiar with these provisions.*

## Clinical definition

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Unlike legal definitions of stalking, which are designed to prosecute criminal behaviour, other definitions have emerged which are aimed at developing our understanding of this phenomenon and its clinical management. Clinicians and researchers have defined stalking as:

A constellation of behaviours involving repeated and persistent attempts to impose on another person unwanted communication and/or contact. (Mullen et al., 1999)

These behaviours are typically experienced as intrusive and cause the victim concern or fear. Indeed, it is not the intentions of the *stalker* that defines a stalking incident but the reactions of the individual or individuals who are targeted. Stalkers can communicate with their victim in a number of ways:

**Phone calls**

This is one of the commonest forms of harassment, the phone being an easy and accessible tool for intruding on others. Calls are typically received at the victim's home or workplace, or both. The caller may remain silent, hang up when the victim answers, plead for a relationship or reconciliation, threaten, cajole or utter obscenities. Calls may be incessant, stalkers often choosing inconvenient times such as late at night. Some stalkers call to describe what the victims are wearing, or they may phone the victims at other venues, such as restaurants or conferences, or even at the victims' holiday destination, deliberately conveying to the victims that they are under surveillance.

**Case example**

Jeanette, a legal secretary, was repeatedly approached by a male patron at her local gym. She tried to escape the man's unwanted attentions by forfeiting her gym membership, but he then repeatedly phoned her at her home and workplace. He insisted they go on a date, but she firmly and consistently declined. The phone calls escalated, such that her employers complained that her 'boyfriend' was obstructing legitimate calls. Jeanette was subjected to the man's tearful pleading at all hours, starting the moment she entered her apartment at the end of the day. She obtained an unlisted phone number, but within a week this had been unwittingly divulged to the stalker by a work colleague. Alarmed, sleep deprived and on the verge of losing her job, Jeanette contacted the police. They warned the man that his behaviour constituted stalking and that any future intrusions would be prosecuted. Jeanette received no further communications from her would-be suitor.

**Letters and cards**

These are usually posted or hand delivered to the victim's home or workplace. Occasionally, notes are attached to the victim's property such as the car. The author may conceal his identity. The content of letters, like phone calls, can be romantic or threatening or a mixture of the two. These communications may also be sent to third parties, either because they are perceived as hindering access to the victim or as a means of spreading malicious gossip about the victim.

**Facsimiles**

These are most often sent to the victim's workplace. The stalker may attempt to embarrass the victim by faxing scandalous messages that can be read by co-workers.

**The Internet**

Repeated threats or harassing behaviour over the Internet, email, chat rooms, newsgroups or other electronic communications are now commonly referred to as 'cyberstalking'. Victims may be flooded with messages ('mail bombing'), obstructing legitimate communications. As access to email increases, particularly in work settings, so too do the opportunities for stalkers to abuse it. Electronic communications offer them anonymity, through the use of anonymous remailers (an online service that masks the sender's identity), and opportunities to access computers in public domains (e.g. Internet cafés or public libraries).

Some individuals unwittingly encourage the attentions of a cyberstalker by posting home pages loaded with personal information. Online stalking can become particularly problematic (and potentially physically dangerous) when the perpetrator, armed with his victim's naively imparted personal details, continues his pursuit offline.

**Graffiti**

Stalkers may adorn the victims' homes or cars with messages, usually declarations of love or hostility or malicious allegations.

**Unwanted gifts or other materials**

There seems no end to the creativity of some stalkers in their choice of gifts. They vary from the predictable (chocolates, soft toys, flowers, books and jewellery) to the bizarre (jars of urine and frozen chickens) and the macabre (dead pets and funeral notices). Some stalkers send only one or two such gifts whereas others send gifts, typically flowers, by the truck-load.

**Case example**

Carol, a high school teacher, was pursued anonymously over a six week period. She received 'gifts' through the internal mail at work, the first a parcel containing flower seedlings and a can of tomato soup. Some weeks later she received a homemade chocolate cake and an assortment of women's magazines. Two months later, following a series of 'hang-up' calls, a packet of tampons was deposited in her letter box at home. Carol found the bizarre and inexplicable nature of this material and the anonymity of its sender

extremely disturbing. She could not continue teaching because 'every student in the class was potentially my stalker'.

Stalkers make contact with their victims by means of one or more of the following methods:

**Following**

Stalkers commonly follow their victims, and to a lesser extent other parties, on foot, bicycle or by motor vehicle, enabling them to materialize at various venues attended by the victims.

**Approaching**

Some victims note the ubiquitous appearance of the stalkers, encountering them at shopping centres, while on outings with friends and even at family funerals or their children's school functions. While some stalkers merely observe from a distance, others will approach their victims and try to engage them in conversation.

**Maintaining surveillance**

Some stalkers wait and watch at locations frequented by the victims, occasionally enlisting the help of others to share shifts. Surveillance may occur from any number of vantage points, usually from the stalker's car or outside the victim's home.

The stalker may engage in associated behaviours, including the following:

**Ordering goods or services on the victim's behalf**

The commonest example is the late night pizza delivery. Taxis, fire trucks and ambulances have all been called to the homes of stalking victims. Stalkers have also *cancelled* services on the victims' behalf, including their electricity and gas supplies.

**Initiating spurious legal action against the victim**

It is not uncommon for stalkers to force their victims to court in order to have contact with them. Legal action may in other cases be motivated predominantly by a desire for revenge.



**Case example**

Ross, a divorced accountant, was stalked by a young woman with whom he had had a brief affair. Furious at his rejection of her, the woman repeatedly approached him and castigated him in public and at work and made frequent abusive and threatening phone calls. Ross obtained a protective injunction that prohibited her from making any further contact. The woman promptly appealed against the injunction, forcing Ross to return to court to face his former lover. She represented herself in the hearing, clearly revelling in the opportunity to cross examine her hapless victim. Ross ultimately retained the injunction, but he regarded the hearing as a terrible violation and blatant manipulation of the criminal justice system.

**Spreading false rumours to discredit the victim**

The stalker may attempt to tarnish the victim's reputation by spreading malicious rumours among the victim's friends, relatives, work colleagues and neighbours. Some victims have been reported to government agencies for alleged social security fraud or child abuse, causing the victim great distress despite the ultimate dismissal of the claims.

**Threats**

These may be explicit or implied and often involve threats of physical violence or promises to discredit or publicly humiliate the victim. Threats may also be directed at other parties such as the victim's family, friends, co-workers or pets.

**Damage to property and pets**

Property usually targeted includes the victim's car, with tyres being slashed or deflated, paintwork scratched and fuel lines severed. Stalkers may also damage gardens, tamper with letter boxes or emblazon fences with graffiti. Some break into their victims' homes to leave notes or to steal personal items such as address books or photographs. A few stalkers injure or kill family pets.

**Assault**

A minority of stalkers do proceed to assault their victim or third parties. In most cases the attack is preceded by threats. Assaults may be physical or, much less commonly, sexual in nature. Occasionally, the victim's partner,

family or friends are targeted, particularly when they are perceived as obstructing the stalker's pursuit. Chapter 4 discusses factors associated with stalker violence.

### **Stalking by proxy**

Most stalkers act alone. Sometimes, however, others may be persuaded to perpetuate the harassment. This is generally achieved by deceit. For example, the stalker may recruit a friend to spy on the victim because, he alleges, the victim is 'cheating' on him. It is rare for stalkers to pay the substantial fees required by private detectives in order to track down their victims or to bribe others to assist in the pursuit of the victims. It is particularly rare for stalkers to co-opt large networks of people to harass the objects of their attention, although victims who are experiencing considerable stress may come to fear this is the case. If you are concerned about stalking on this distressing scale you are strongly urged to seek medical help.

### **Summary**

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- Stalking is a new label for behaviour that has almost certainly existed for centuries.
- Stalking legislation originated in the USA in 1991 and many Western nations have since followed suit.
- Stalking laws have been an important advance, but they are still under-used and inconsistently enforced.
- Be familiar with the stalking laws in your jurisdiction.
- Clinically, stalking refers to a range of behaviours involving repeated and persistent attempts to impose on another person unwanted communication or contact, or both. The behaviours are intrusive and elicit concern or fear in the victim.